

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSE NUNEZ-GONZALEZ,

Plaintiff,

v.

CLICK BOND, INC.,

Defendants.

Case No. 3:24-cv-00531-MMD-CLB

ORDER

Pro se Plaintiff Jose Nunez-Gonzalez sued his former employer, Defendant Click Bond, Inc., for discrimination and a hostile work environment in violation of federal law. (ECF No. 3-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla Baldwin (ECF No. 5), recommending that the Court grant Plaintiff’s application to proceed *in forma pauperis* (ECF No. 3 (“IFP Application”)), dismiss Plaintiff’s discrimination claim without prejudice but grant him leave to amend, and, regardless of whether he chooses to file an amended complaint, permit Plaintiff to proceed on his hostile work environment claim. To date, no objections to the R&R have been filed. However, Plaintiff filed a motion for leave to file an amended complaint consistent with the R&R without attaching a copy of the proposed pleading to it in violation of LR 15-1. (ECF No. 7.) Because there is no objection, and as further explained below, the Court will adopt the R&R. The Court will also give Plaintiff more time to file an amended complaint that addresses the deficiencies with his discrimination claim identified in the R&R after denying his noncompliant motion for leave to amend without prejudice.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the

1 findings and recommendations.” (emphasis in original)). Judge Baldwin first recommends  
2 granting Plaintiff’s IFP Application because the information he submitted indicates he  
3 cannot pay the filing fee. (ECF No. 5 at 2.) Judge Baldwin then recommends the Court  
4 give Plaintiff an opportunity to amend his discrimination claim because while his factual  
5 allegations could plausibly support one, he does not sufficiently allege an adverse  
6 employment action or the causation element of that claim. (*Id.* at 5-6.) However, Judge  
7 Baldwin recommends the Court permit his hostile work environment claim to proceed. (*Id.*  
8 at 6.) Having reviewed the R&R, Judge Baldwin did not clearly err.

9 As noted, however, Plaintiff also filed a motion for leave to file an amended  
10 complaint consistent with the R&R before the R&R’s objection period lapsed. (ECF No.  
11 7.) In it, Plaintiff says he carefully reviewed Judge Baldwin’s recommendations “and seeks  
12 to address those identified deficiencies through this amended complaint.” (*Id.* at 1.)  
13 However, Plaintiff did not attach an amended complaint to his motion. His failure to do so  
14 both renders the motion noncompliant with LR 15-1 (which requires he attach the  
15 proposed pleading) and difficult to evaluate—because the Court cannot see if his  
16 proposed, amended complaint addresses the deficiencies Judge Baldwin identified with  
17 his discrimination claim. The Court accordingly denies Plaintiff’s motion without prejudice  
18 to him refiling an amended complaint consistent with the R&R within 30 days of the date  
19 of entry of this order.<sup>1</sup>

20 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF  
21 No. 5) is accepted and adopted in full.

22 It is further ordered that Plaintiff’s IFP Application (ECF No. 3) is granted.

23 The Clerk of Court is directed to file Plaintiff’s Complaint (ECF No. 3-1) but not  
24 issue summons yet.

25 It is further ordered that Plaintiff’s discrimination claim is dismissed with leave to  
26 amend consistent with the R&R within 30 days.

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27 <sup>1</sup>To be clear, Plaintiff does not have to file another motion requesting leave to  
28 amend. He must simply file an amended complaint that addresses the deficiencies  
identified in the R&R within 30 days.

1 It is further ordered that Plaintiff's hostile work environment claim will proceed.

2 It is further ordered that, if Plaintiff chooses to file an amended complaint curing  
3 the deficiencies with his discrimination claim identified in the R&R, he must file that  
4 amended complaint within 30 days. Because an amended complaint supersedes an  
5 original complaint, he must also include a plausibly alleged hostile work environment  
6 claim (just like the one in his original complaint) in any amended complaint he files.

7 It is further ordered that, if Plaintiff does not file an amended complaint within 30  
8 days, this case will proceed on Plaintiff's hostile work environment claim only.

9 It is further ordered that Plaintiff's motion for leave to file an amended complaint  
10 (ECF No. 7) is denied without prejudice and as specified herein.

11 DATED THIS 2<sup>nd</sup> Day of January 2025.

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MIRANDA M. DU  
15 UNITED STATES DISTRICT JUDGE  
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